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10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

14 JACOB GREGOIRE,
15
16 Plaintiff,
17
18 v.
19 CALIFORNIA HIGHWAY PATROL,
an agency of the State of California;
20 SERGIO FLORES, and DOES 1 to 20,
Defendants.

Case No.: 14-cv-01749-GPC (DHB)

**MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
JOINT MOTION TO CONTINUE
DISCOVERY AND MOTION
FILING DEADLINES**

Date: Ex Parte
Time: Ex Parte
Courtroom: Tenth Floor (Annex)
Judge: The Honorable David H.
Bartick

22 **INTRODUCTION**

23 All parties to this action jointly bring this Motion to request extensions of the
24 deadlines for completing fact discovery, expert witness discovery, expert witness
25 disclosures, rebuttal expert witness disclosures, and the motions filing deadlines.
26 The grounds for the request are set forth in the parties' Joint Motion.

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ARGUMENT

The Court has the authority to modify its scheduling order pursuant to Rule 16(b)(4) of the Federal Rules of Civil Procedure. This provision provides: “A schedule may be modified only for good cause and with the judge’s consent.” In addition, Rule 6(b) of the Federal Rules of Civil Procedure provides in pertinent part:

When an act may or must be done within a specified time, the court may, for good cause, extend the time:

(A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires[.]

In addition to these statutory sources of authority to modify the deadline for filing a motion to compel, the Court has the inherent power to control and manage its docket and the course of proceedings. *Southern California Edison Co. v. Lynch*, 307 F.3d 794, 807 (9th Cir. 2002) (citing *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992)).

“Good cause” to modify a scheduling order exists if the deadline for which modification is sought cannot reasonably be met despite the moving party’s diligence. *Noyes v. Kelly Services*, 488 F.3d 1163, 1174 n. 6 (9th Cir. 2007); *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992).

CONCLUSION

For the reasons stated in the Joint Motion to Continue Discovery and Motion Filing Deadlines, there is good cause to grant the parties’ requests for extensions of the discovery deadlines. The parties request that the following new deadlines be set:

(1) The deadline to complete all discovery, other than expert witness discovery, be continued to September 11, 2015.

(2) The deadline for initial expert witness disclosures under Fed. R. Civ. Proc. 26(a)(2) be continued to September 25, 2015.

1 (3) The deadline for rebuttal expert witness disclosures be continued to
2 October 23, 2015.

3 (4) The deadline to complete expert discovery be continued to November 24,
4 2015.

5 (5) The deadline for dispositive motions to be filed be continued to December
6 18, 2015.

7 (6) The Mandatory Settlement Conference remain as set on December 4,
8 2015.

9 (7) The deadline for pretrial disclosures under Rule 26(a)(3) remain as set on
10 December 18, 2015.

11 (8) All other deadlines set in paragraphs 11 through 15 of the Court's original
12 Scheduling Order (Doc. 9) remain as set.

13
14
15 Dated: July 6, 2015

Respectfully submitted,

16 CASEY GERRY SCHENK
17 FRANCAVILLA BLATT &
18 PENFIELD, LLP

19 s/Thomas D. Luneau
20 THOMAS D. LUNEAU, ESQ.
21 *Attorneys for Plaintiff Jacob*
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22 Dated: July 6, 2015

Respectfully submitted,

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1 Dated: July 6, 2015

Respectfully submitted,

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7 Dated: July 6, 2015

Respectfully submitted,

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14 *Attorneys for Defendants State of*
15 *California (by and through the*
California Highway Patrol) and
Sergio Flores

16
17 I, Douglas E. Baxter, by my signature above, affirm and certify that all other
18 signatories listed above, and on whose behalf this filing is submitted, concur in the
19 filing's content and have authorized the filing.
20

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